

Public Service Commission

Richard E. Hitt, General Counsel

201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

DOCKET FILE COPY ORIGINAL

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January 25, 2001

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JAN 29 2001

FCC MAIL ROOM

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
Office of the Secretary
445-12th Street, S.W., Room TW-204B
Washington, D.C. 20554

**Re: CC Docket No. 96-45/ Certification Under
47 U.S.C. § 254(e).**

via OVERNIGHT MAIL

Dear Secretary Salas:

Enclosed is an original and five copies of the Public Service Commission of West Virginia's request for leave to file its state certification of federal universal service support eligibility out of time. Please return a file stamped copy to the undersigned in the enclosed self addressed and stamped envelope. Please call me at (304)340-0334 or e-mail me at ppearlman@psc.state.wv.us if you have any questions or comments regarding this filing.

Very truly yours,



PATRICK W. PEARLMAN, Esquire
WV BAR #5755
(304)340-0334

PWP/mh
Enclosures

salas.gdr

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List A B C D E

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In the Matter of:)
) CC Docket No. 96-45
Federal-State Joint Board on)
Universal Service)

THE PUBLIC SERVICE COMMISSION OF
WEST VIRGINIA'S REQUEST FOR LEAVE TO FILE ITS STATE
CERTIFICATION OF FEDERAL UNIVERSAL SERVICE SUPPORT
ELIGIBILITY OUT-OF-TIME

Pursuant to 47 C.F.R. § 1.41, the Public Service Commission of West Virginia (WVPSC) hereby requests leave to file its certification of federal universal service support for calendar year 2001 out-of-time. As grounds for its request, the WVPSC states:

1. Under 47 C.F.R. § 54.313, states are required to certify that non-rural incumbent local exchange carriers, or eligible telecommunications carriers in non-rural services areas, are eligible to receive federal universal support for the upcoming calendar year.

2. In order for federal universal service support to be received for the entire calendar year 2001, state certification was required to have been made by October 1, 2000. See 47 C.F.R. § 54.313(c)(2)(i).

3. On October 23, 2000, the WVPSC filed its certification that Verizon West Virginia Inc. (Verizon-WV) was eligible to receive federal support during calendar year 2001. See Attachment 1. A United States Postal Service certified mail receipt indicates that

the WVPSC's certification was delivered to the Commission on October 25, 2000. See Attachment 2.

4. As part of its certification, the WVPSC requested that the Commission consider its certification out-of-time. In support of its request, the WVPSC stated that its failure to meet the October 1, 2000, deadline was inadvertent and stemmed from the fact that universal service funding for the state during the Second Program Year had not been calculated at that time.

5. The WVPSC's Legal Staff had previously been advised by Commission staff that the WVPSC's request for consideration of its certification out-of-time could be made as part of its certification letter or as a separate pleading. Commission staff reconfirmed that the WVPSC's October 23, 2000, certification was appropriate and that nothing further needed to be done by the WVPSC to obtain consideration, out-of-time, of its certification. See Attachment 3.

6. Commission staff subsequently advised the undersigned attorney that the WVPSC's request for consideration of its certification out-of-time should have been filed as a separate pleading.

WHEREFORE, the WVPSC requests that the Commission consider its October 23, 2000, certification out-of-time and provide universal service funding for calendar year 2001, beginning with the 1st Quarter of 2001.

Respectfully submitted:

PUBLIC SERVICE COMMISSION OF
WEST VIRGINIA



PATRICK W. PEARLMAN, Staff Attorney

201 Brooks Street

P.O. Box 812

Charleston, WV 25314

(304) 340-0334

WV State Bar I.D. 5755

PWP/s

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Public Service Commission Of West Virginia

201 Brooks Street, P. O. Box 812
Charleston, West Virginia 25323



October 23, 2000

Charlotte R. Lane
Chairman

RECEIVED
JAN 29 2001
FCC MAIL ROOM

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
Office of the Secretary
445-12th Street, SW, Room TW-204B
Washington, DC 20554

Re: CC Docket No. 96-45: Certification Under 47 U.S.C. § 254(e).

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED
& TELEFACSIMILE

Dear Secretary Salas:

The Public Service Commission of West Virginia (WVPSC) hereby submits its certification in accordance with 47 C.F.R. § 54.313. This section of the Commission's rules requires state certification in order to allow non-rural incumbent local exchange carriers, or eligible telecommunications carriers in non-rural service areas, to receive federal universal service support pursuant to 47 C.F.R. §§ 54.309 or .311.

As required by 47 C.F.R. § 54.313(b), the WVPSC certifies that the following carriers in West Virginia are eligible to receive federal support during January 1, 2001 to December 31, 2001: Verizon West Virginia, Inc. (Verizon-WV). Verizon-WV is the only non-rural carrier in West Virginia and no carriers have been designated by the WVPSC as eligible telecommunications carriers in any area served by Verizon-WV. The WVPSC further certifies that Verizon-WV will only use federal support for the provision, maintenance and upgrading of facilities and services for which the support is intended. This certification is the product of formal proceedings before the WVPSC. See "Commission

Ms. Magalie Roman Salas, Secretary

October 23, 2000

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Order." General Investigation Re: Disposition of Federal Universal Support to BA-WV, Case No. 00-1579-T-PC (Oct. 23, 2000) (copy attached). Pursuant to a settlement entered into by Verizon-WV, Staff of the WVPSC and the Consumer Advocate Division of the WVPSC, and approved by the WVPSC, all federal universal service support received by Verizon-WV will be used to reduce monthly rates for single-line business and residential customers in West Virginia, effective January 1, 2001.

The WVPSC respectfully requests that the FCC consider its certification for funding, beginning with the 1st Quarter of 2001, out-of-time. In order for funding to be received for this time period, certification was to have been made by October 1, 2000. The WVPSC's failure to meet this deadline was inadvertent and stemmed, in part, from the fact that universal service funding for West Virginia during the Second Program Year has not yet been calculated.

On behalf of the people of West Virginia, the WVPSC expresses its appreciation for the Commission's efforts in arriving at a mechanism to provide support that will reduce monthly rates for the bulk of consumers and make those rates more comparable to rates paid by consumers in other parts of the Nation.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Charlotte R. Lane".

CHARLOTTE R. LANE, Chairman

Encl.


cc: Administrator, Universal Service Administrative Company
80 South Jefferson Road
Whippany, NJ 07981

SENDER COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Received by (Please Print Clearly) B. Date of Delivery</p>	
<p>1. Article Addressed to:</p> <p>Magalie Roman Dallas Federal Commission Comm. Office of the Secretary 445-12th St-SW Room TW Washington, DC 20418 20554 (665)</p>		<p>C. Signature <i>DAN</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below <input type="checkbox"/> No</p> <p>OCT 25 2000 FCC MAIL ROOM</p> </p>	
<p>2. Article Number (Copy from service label)</p> <p>7000 0520 0024 9642 7222</p>		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>PS Form 3811, July 1999</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>Domestic Return Receipt</p> <p>102595-00-M-000</p>	

INTERNAL MEMORANDUM

TO: Charlotte R. Lane, Chairman
Otis D. Caston, Commissioner
Troy Stewart, Jr., Commissioner
Richard E. Hitt, General Counsel

DATE: November 9, 2000

FROM: Patrick W. Pearlman 
Staff Attorney

RE: CASE NO. 00-1579-T-GI

I spoke with Sharon Webber of the Federal Communications Commission (FCC) Accounting Policy Division on November 8, 2000, regarding the Commission's certification for federal universal service funding for the 2001 calendar year. Ms. Webber advised me that the Commission's filing was appropriate and that nothing further needed to be done by the Commission to obtain consideration, out of time, of its certification that Verizon West Virginia Inc. receive federal universal service funding for the entire calendar year. Ms. Webber advised me that she believed that the request out of time should not prevent funding for Verizon for the calendar year.

PWP/mh

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